

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT CLARKSBURG**

GILEAD SCIENCES, INC. and  
EMORY UNIVERSITY,

Plaintiffs,

v.

MYLAN INC. and MYLAN  
PHARMACEUTICALS INC.,

Defendants.

Civil Action No. 1:14-cv-99 (IMK)

**JOINT NOTICE REGARDING CLAIM CONSTRUCTION**

Pursuant to the Court's Order Amending the Scheduling Order (Docket No. 77), Plaintiffs Gilead Sciences, Inc. and Emory University and Defendants Mylan Inc. and Mylan Pharmaceuticals Inc. (collectively, "the Parties"), after meeting and conferring, hereby respectfully notify the Court that no construction will be necessary as to any terms for any claims currently asserted from U.S. Patent Nos. 6,642,245 (the "'245 patent") and 6,702,396 (the "'396 patent").<sup>1</sup> The parties further respectfully notify the Court that claim construction will be necessary for certain terms in claims currently being asserted by Plaintiffs from U.S. Patent Nos. 8,592,397 (the "'397 patent") and 8,716,264 (the "'264 patent").

The parties are continuing to meet and confer in an effort to narrow the disputes concerning the Parties' proposed constructions regarding the claim terms for the '397 and '264 patents.

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<sup>1</sup> Currently, Plaintiffs have asserted claim 6 of the '245 patent and claims 1, 3-5, 13, 15, and 16 of the '396 patent. Based on the assertion of those claims, the Parties have agreed that there are no claim terms requiring construction. In the event Plaintiffs later assert additional claims from the '245 patent or the '396 patent, each Party reserves the right to identify additional claim terms for construction.

Dated: February 5, 2015

Respectfully submitted,

/s/ William J. O'Brien

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 5<sup>th</sup> day of February, 2015, I filed the foregoing “Joint Notice Regarding Claim Construction” with the Clerk of the Court using the CM/ECF system, which will send notification of the filing to the counsel of record for Mylan Inc. and Mylan Pharmaceuticals Inc.

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